

REMARKS

This Amendment is being filed in response to the Office Action mailed September 3, 2008 which has been reviewed and carefully considered. Reconsideration and allowance of the present application in view of the remarks to follow are respectfully requested.

Claims 1-4 and 6-26 remain in this application, where claim 5 has been canceled without prejudice. Claims 1 and 18-19 are independent.

By means of the present amendment, the current Abstract has been deleted and substituted with the enclosed New Abstract which better conforms to U.S. practice.

In the Office Action, the Examiner objected to the specification for lacking headings. Applicants respectfully decline to add the headings as they are not required in accordance with MPEP §608.01(a), and could be inappropriately used in interpreting the specification. Accordingly, withdrawal of the objection to the specification is respectfully requested.

In the Office Action, the Examiner objected to claims 1-19 for a certain informality. In response, claims 1-19 have been amended in accordance with the Examiner's suggestion. It is respectfully submitted that the objection to claims 1-19 has been overcome and withdrawal of this objection is respectfully requested.

Further, claims 1-19 have been amended for non-statutory reasons, such as for better form including beginning the dependent claims with 'The' instead of 'A', and changing "characterized in that" to --wherein--. Such amendments to claims 1-19 were not made in order to address issues of patentability and Applicants respectfully reserve all rights under the Doctrine of Equivalents.

The Examiner provisionally rejected claims 1-19 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-15 of a copending Application No. 10/522,289. The Examiner indicated that a terminal disclaimer may be used to overcome this rejection. This rejection is respectfully traversed. However, it is respectfully submitted that Applicants will consider filing a terminal disclaimer, if necessary in view of any allowable claims, upon indication that the present application is otherwise allowable or includes allowable claims.

In the Office Action, claims 1-10 and 12-19 are rejected under 35 U.S.C. §102(b) as allegedly anticipated by EP 1024626 A1 (Hermann). Further, claim 11 is rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Hermann in view of EP 0843425 (Coppersmith). It is respectfully submitted that claims 1-4 and 6-26 are patentable over Hermann and Coppersmith for at least the following reasons.

On pages 6 and 8 of the Office Action, in rejecting claims 5 and 17, paragraphs [0020] - [0021] of Hermann are cited to allegedly show erasing the key record. It is respectfully submitted that paragraphs [0020] - [0021] of Hermann merely disclose establishing a wireless secure session where a first device transmits encryption information a target device. The target device uses the received information to establish the wireless secure session.

There is simply no disclosure or suggestion in Hermann of the present invention as recited in independent claim 1, and similarly recited in independent claims 18-19 which, amongst other patentable elements, recites (illustrative emphasis provided):

wherein the key record is erasable from the at least one receiving unit in response to a user interaction.

Coppersmith is cited to allegedly show other features and does not remedy the deficiencies in Hermann.

Accordingly, it is respectfully submitted that independent claims 1 and 18-19 should be allowable. In addition, claims 2-4, 6-17 and 20-26 should be allowable at least based on their dependence from independent claim 1. Moore is cited to allegedly show other features and do not remedy the deficiencies in Orcutt.

In addition, Applicants deny any statement, position or averment of the Examiner that is not specifically addressed by the foregoing argument and response. Any rejections and/or points of argument not addressed would appear to be moot in view of the presented remarks. However, the Applicants reserve the right to submit further arguments in support of the above stated position, should that become necessary. No arguments are waived and none of the Examiner's statements are conceded.

Patent
Serial No. 10/521,719
Amendment in Reply to Office Action of September 3, 2008

In view of the above, it is respectfully submitted that the present application is in condition for allowance, and a Notice of Allowance is earnestly solicited.

Respectfully submitted,

By 
Dicran Halajian, Reg. 39,703
Attorney for Applicant(s)
December 1, 2008

THORNE & HALAJIAN, LLP
Applied Technology Center
111 West Main Street
Bay Shore, NY 11706
Tel: (631) 665-5139
Fax: (631) 665-5101